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To the Commissioner for Patents:

PTO/SB/31 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

THUMB-DIV604

I certify that this correspondence is deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Office address below, on December 3, 2007 (Monday):

Christopher John Rudy  
Christopher John Rudy

12/3/2007  
Date

In re Application of  
Charles O. Townley

Application Number  
10/758,455

Filed  
01/15/2004

For  
MODULAR BASAL THUMB JOINT IMPLANT

Group Art Unit  
3738

Examiner  
Brian E. Pellegrino

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 08/02/2007, rejecting the following claims: 21-26, 28, 29, 31, 32, 34-37 and 40-42

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 510.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 255.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant.

☐ assignee of record of the entire interest.

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

Christopher John Rudy  
Christopher John Rudy  
USPTO Reg. No. 31,873

Typed or printed name

December 3, 2007 A.D.

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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